

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 WASHINGTON CATTLEMEN'S
11 ASSOCIATION,

12 Plaintiff,

13 v.

14 UNITED STATES ENVIRONMENTAL
15 PROTECTION AGENCY, *et al.*,

16 Defendants.

17 CASE NO. C19-0569-JCC

18 ORDER

19 This matter comes before the Court on the parties' joint status report and stipulated
20 motion to extend the stay of these proceedings (Dkt. No. 106).

21 In this action, Plaintiff Washington Cattlemen's Association brings claims against the
22 Environmental Protection Agency and the Army Corps of Engineers challenging three
23 successive rules defining "waters of the United States" in the Clean Water Act. (*See generally*
24 Dkt. No. 72.) On February 8, 2021, the Court issued an order staying this matter until May 1,
25 2021 based on President Biden's January 20, 2021 Executive Order. (*See generally* Dkt. No. 47.)
26 The Court later extended the stay until July 1, 2021, while the Agencies review of the rule at
issue remained ongoing. (Dkt. No. 99.) In light of the Agencies' rulemaking announced June 9,
2021, to revise the definition of "waters of the United States," (Dkt. No. 100 at 3), the Court
continued the stay until October 1, 2021. (Dkt. No. 101.)

1 The parties now request a further six-month abeyance while the Agencies continue the
2 rulemaking process of defining “waters of the United States.” (Dkt. No. 106 at 5.) Further, the
3 parties contend that their litigation strategy in this matter may be affected by how the Agencies
4 and intervenor defendants in a separate case respond to an order vacating and remanding the
5 Navigable Waters Protection Rule. (*Id.* at 4–5 (*citing Pascua Yaqui Tribe v. EPA*, CV-20-00266-
6 TUC-RM, ECF No. 99 at 11 (D. Ariz. 2021).)

7 Having thoroughly considered the motion and the relevant record, and finding good
8 cause, the Court GRANTS the motion (Dkt. No. 106) and ORDERS:

- 9 1. This matter will remain STAYED until April 1, 2022.
- 10 2. The parties must file a joint status report and proposal to further govern proceedings
11 on or before April 1, 2022.

12 DATED this 29th day of September 2021.

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16 John C. Coughenour
17 UNITED STATES DISTRICT JUDGE
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